

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
LAFAYETTE-OPELOUSAS DIVISION**

**United States**

**Criminal No: 95-30024-02**

**versus**

**Judge Tucker L. Melançon**

**Welton J. Wright**

**Magistrate Judge Kirk**

**ORDER**

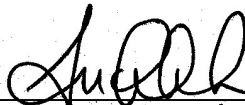
Before the Court is defendant's Motion for Certificate of Appealability and Motion to Proceed In Forma Pauperis on Appeal [Rec. Doc. 581]. Considering the record in this case and the requirements of 28 U.S.C. §2255 a certificate of appealability should not issue in this instance as petitioner has not made a substantial showing that he was deprived of a constitutional right and has not demonstrated that jurists of reason could conclude that the issues presented are adequate to deserve encouragement to proceed further. *See Slack v. McDaniel*, 529 U.S. 473, 479 (2000); *Tennard v. Dretke*, 442 F.3d 240, 252 (5th Cir. 2006). Under the oath taken by the undersigned Judge, as well as that taken by all United States Judges, there is an obligation to follow the law as enacted by the Congress and interpreted by the higher Courts. Under the facts of this case, much to the chagrin of the undersigned there is no basis for this Court to grant petitioner the relief sought. It is therefore

**ORDERED** that defendant's Motion for Certificate of Appealability [Rec. Doc. 581] is **DENIED**.

**ORDERED** that defendant's Motion to Proceed In Forma Pauperis on Appeal

[Rec. Doc. 581] is **DENIED AS MOOT**.

THUS DONE AND SIGNED this 25<sup>th</sup> day of April, 2007, at Lafayette,  
Louisiana.

  
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Tucker L. Melançon  
UNITED STATES DISTRICT JUDGE